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8 **BEFORE THE**  
9 **REGISTRAR OF CONTRACTORS**  
10 **CONTRACTORS STATE LICENSE BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. N2018-476

14 **SEGUNDO FORTUNATO COLLAZOS,**  
15 **DBA AMAZON'S LANDSCAPING COMPANY**  
1586 Terry Lynn Lane  
Concord, CA 94521

**ACCUSATION**

16 **Contractors License No. 769711, Class C-27**

17 Respondent.  
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21 **PARTIES**

22 1. Wood Robinson (Complainant) brings this Accusation solely in his official capacity  
23 as the Enforcement Supervisor I of the Contractors State License Board (Board), Department of  
24 Consumer Affairs.

25 2. On or about October 5, 1999, the Registrar of Contractors (Registrar) issued  
26 Contractors License Number 769711, Class C-27 to Segundo Fortunato Collazos, doing business  
27 as Amazon's Landscaping Company (Respondent). The License will expire on October 31, 2019,  
28 unless renewed.

## **JURISDICTION**

3. This Accusation is brought before the Registrar for the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118, subdivision (b) of the Code provides, in relevant part, that the expiration of a license shall not deprive the board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 7076.1, the Registrar may reinstate a cancelled license if the licensee pays all of the fees and meets all of the qualifications and requirements for obtaining an original license.

5. Section 7090 of the Code provides, in relevant part, that the Registrar may suspend or revoke any license or registration if the licensee or registrant is guilty of or commits any one or more of the acts or omissions constituting cause for disciplinary action.

6. Section 7106.5 of the Code provides, in relevant part, that the expiration, cancellation, forfeiture, revocation or suspension of a license by operation of law or by order or decision of the registrar, or a court of law, or the voluntary surrender of the license shall not deprive the registrar of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against the license, or to render a decision suspending or revoking the license.

7. Section 7121 of the Code states:

A person who has been denied a license for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a partner, officer, director, manager, or associate of any partnership, corporation, limited liability company, firm, or association whose application for a license has been denied for a reason other than failure to document sufficient satisfactory experience for a supplemental classification for an existing license, or whose license has been revoked, or whose license is under suspension, or who has failed to renew a license while it was under suspension, and while acting as a partner, officer, director, manager, or associate had knowledge of or participated in any of the prohibited acts for which the license was denied, suspended, or revoked, shall be prohibited from serving as an officer, director, associate, partner, manager, qualifying individual, or member of the personnel of record of a licensee, and the employment, election, or association of this type of person by a licensee in any capacity other than as a nonsupervising bona fide employee shall constitute grounds for disciplinary action.

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9. Section 7117.5 of the Code states:

(c) Acting in the capacity of a contractor under any license that has expired constitutes a cause for disciplinary action if the license is subject to renewal pursuant to Section 7141. The actions authorized under this section shall be separate from, and in addition to, all other remedies either civil or criminal.

(b) Any qualifier for a license who, under Section 7068.1 is responsible for assuring that a licensee complies with the provisions of this chapter, is also guilty of a misdemeanor for committing or failing to prevent the commission of any of the acts that are cause for disciplinary action under this section

11. Title 8 California Code of Regulations section 3328 states:

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(e) Machinery and equipment components shall be designed and secured or covered (or both) to minimize hazards caused by breakage, release of mechanical energy (e.g., broken springs), or loosening and/or falling unless the employer can demonstrate that to do so would be inconsistent with the manufacturer's recommendations or would otherwise impair employee safety.

(f) Any modifications shall be in accordance with (a) and with good engineering practice.

(g) Machinery and equipment in service shall be maintained in a safe operating condition.

(h) Only qualified persons shall be permitted to maintain or repair machinery and equipment.

### **COST RECOVERY, RESTITUTION AND OTHER AUTHORITY**

12. Section 125.3, subdivision (a) of the code states:

Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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13. Government Code section 11519, subdivision (d), provides that specified terms of probation may include an order of restitution, and where restitution is ordered and paid pursuant to the provisions of this subdivision, the amount paid shall be credited to any subsequent judgment in a civil action.

14. Section 143.5, subdivision (b) of the Code states:

Any board, bureau, or program within the Department of Consumer Affairs that takes disciplinary action against a licensee or licensees based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee or licensees to pay any additional sums to the benefit of any plaintiff in the civil action.

15. Section 7095 of the Code states:

The decision may:

(a) Provide for the immediate complete suspension by the licensee of all operations as a contractor during the period fixed by the decision.

(b) Permit the licensee to complete any or all contracts shown by competent evidence taken at the hearing to be then uncompleted.

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(c) Impose upon the licensee compliance with such specific conditions as may be just in connection with its operations as a contractor disclosed at the hearing, and may further provide that until such conditions are complied with, no application for restoration of the suspended or revoked licensee shall be accepted by the Registrar.

16. Section 7097 of the Code states:

Notwithstanding the provisions of Sections 7121 and 7122, when any licensee has been suspended by a decision of the registrar pursuant to an accusation or pursuant to subdivision (b) of Section 7071.17, Section 7085.6 or 7090.1, any additional license issued under this chapter [the Contractors' State License Law] in the name of the licensee or for which the licensee furnished qualifying experience and appearance under the provisions of Section 7068, may be suspended by the registrar without further notice.

17. Section 7098 of the Code states:

Notwithstanding the provisions of Sections 7121 and 7122, when any license has been revoked under the provisions of this chapter [the Contractors' State License Law], any additional license issued under this chapter in the name of the licensee or for which the licensee furnished qualifying experience and appearance under the provisions of Section 7068, may be revoked by the registrar without further notice.

18. Section 7102 of the Code states:

After suspension of a license upon any of the grounds set forth in this chapter [the Contractors' State License Law], the registrar may reinstate the license upon proof of compliance by the contractor with all provisions of the decision as to reinstatement or, in the absence of a decision or any provisions of reinstatement, in the sound discretion of the registrar.

After revocation of a license upon any of the grounds set forth in this chapter, the license shall not be reinstated or reissued and a license shall not be issued to any member of the personnel of the revoked licensee found to have had knowledge of or participated in the acts or omissions constituting grounds for revocation, within a minimum period of one year and a maximum period of five years after the final decision of revocation and then only on proper showing that all loss caused by the act or omission for which the license was revoked has been fully satisfied and that all conditions imposed by the decision of revocation have been complied with.

The board shall promulgate regulations covering the criteria to be considered when extending the minimum one-year period. The criteria shall give due consideration to the appropriateness of the extension of time with respect to the following factors:

- (a) The gravity of the violation.
- (b) The history of previous violations.
- (c) Criminal convictions.

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When any loss has been reduced to a monetary obligation or debt, however, the satisfaction of the monetary obligation or debt as a prerequisite for the issuance, reissuance, or reinstatement of a license shall not be required to the extent the monetary obligation or debt was discharged in a bankruptcy proceeding. However, any nonmonetary condition not discharged in a bankruptcy proceeding shall be complied with prior to the issuance, the reissuance, or reinstatement of the license.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Safety Violation That Resulted in Death of Employee)**

19. Respondent has subjected his contractor's license to disciplinary action under Code section 7109.5, in that he violated safety provisions, including but not limited to Title 8 California Code of Regulations section 3328, that resulted in the death of an employee. The circumstances are that on or about April 9, 2018, Respondent's employee, M.P., was injured as M.P. used a stump grinder while working for Respondent and M.P. died due to the injury.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Failure to Secure Workers' Compensation for Employee)**

20. Respondent has subjected his contractor's license to disciplinary action under Code section 7125.4(a), in that, Respondent employed a person subject to coverage under the workers' compensation laws, without maintaining coverage for that person, described above, in paragraph 19, and herein incorporated.

### **THIRD CAUSE FOR DISCIPLINE**

#### **(Acting in the Capacity of a Contractor Under a License that has Been Suspended)**

21. Respondent has subjected his contractor's license to disciplinary action under Code section 7117.5(b), in that, on or about April 9, 2018, Respondent acted in the capacity of a contractor under a license that had been suspended. Respondent's license was suspended on or about August 28, 2017 under Code section 7071.11. Respondent's license was also suspended on or about September 13, 2017 under California Code of Civil Procedure section 996.340. On or about April 9, 2018, while both suspensions were in effect, Respondent acted in the capacity of a contractor at a residence in San Ramon, California.

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**CAUSE FOR OTHER ACTION**

**(Restrictions on Segundo Fortunato Collazos)**

22. Pursuant to Code section 7121, if License Number 769711 (Classification C-27 – Landscaping) issued to Segundo Fortunato Collazos, doing business as Amazon's Landscaping Company, is revoked or under suspension, Segundo Fortunato Collazos, is subject to being prohibited from serving as an officer, director, associate, partner, manager, qualifying individual, or member of the personnel of record of a licensee.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Registrar of Contractors issue a decision:

1. Revoking or suspending Contractors License Number 769711, Class C-27 issued to Segundo Fortunato Collazos, doing business as Amazon's Landscaping Company;

2. Ordering that Segundo Fortunato Collazos is prohibited from serving as an officer, director, associate, partner, manager, qualifying individual, or member of the personnel of record of a licensee if License Number 769711, Class C-27 issued to Segundo Fortunato Collazos, doing business as Amazon's Landscaping Company is revoked, pursuant to Code section 7121;

3. Ordering Segundo Fortunato Collazos to pay the Registrar of Contractors costs for the investigation and enforcement of the case according to proof at the hearing, pursuant to Code section 125.3;

4. Ordering Segundo Fortunato Collazos, doing business as Amazon's Landscaping Company to provide the Registrar with a listing of all contracting projects in progress and the anticipated completion date of each, pursuant to Code section 7095; and

5. Taking such other and further action deemed proper.

DATED: \_\_\_\_\_

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WOOD ROBINSON  
Enforcement Supervisor I  
Contractors State License Board  
Department of Consumer Affairs  
State of California  
*Complainant*

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